

## Office of Professional Accountability (OPA) Commendations & Complaints Report April 2005

### Commendations:

Commendation Received in April: 20

Commendations Received to Date: 140

Rank	Summary
(2) Officers	Two officers were thanked for their time and effort testifying in a trial. Their testimony was extremely important in providing necessary information to the court.
(2) Officers	A letter of gratitude was received for two officers for the professional manner in which they responded to a drunk driving accident.
(1) Officer	An officer was commended for his professionalism and respect shown to victims of a home burglary.
(1) Sergeant	A letter was received commending a sergeant for her presentation at a Senior Safety Seminar. She presented valuable information about personal safety.
(1) Officer	A note of thanks was received for an officer who handled a traffic accident professionally and personably.
(1) Sergeant	A letter of gratitude was received for a sergeant for his dedication and professionalism in assisting a Seattle community group. He taught crime prevention and acted as a mentor to youth in community events. His attitude and work has built trust in the community.
(1) Officer	A letter of commendation was received for an officer who assisted a couple with their stalled vehicle. He created a safety zone for their vehicle and treated them in a friendly and helpful manner.
(3) Officers	Three officers were thanked and commended for their management of an auto accident in a manner that was quick, efficient and appropriate.
(2) Officers	Kudos were given to two officers for their courtesy, professionalism, kindness and diligence shown during a traffic accident.
(1) Officer	An officer was thanked for his calm demeanor and pleasant conversation during a family crisis. His mannerisms helped to bring calm and showed the kindness of an officer doing his job.
(1) Officer	A thank you note was received for an officer for his proactive manner in handling a strong-arm robbery. He handled himself in a very professional and helpful way.
(1) Officer	An officer was commended for his professionalism, compassion, patience and attention shown to victims of a home break-in.
(1) Officer	A citizen sent a thank you note to an officer who was prompt, helpful and very pleasant to them when someone tried to steal their car.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## April 2005 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### UNNECESSARY FORCE

Synopsis	Action Taken
The complainants alleged the named employee struck them while they slept on the ground, and used profanity.	The alleged strike and comments were made while the named employee was alone with the complainants. The named employee stated he used his baton to poke the complainants in order to wake them up. The complainant did not make his allegation until he was later arrested and was intoxicated at the time of the incident. Photographs and medical reports are not conclusive. Finding – NOT SUSTAINED.
The complainant alleged the named employee pushed him to the ground and slammed him into the patrol car, causing injuries.	The named employee was investigating suspected narcotics activity. The evidence indicates that the complainant was uncooperative and would not leave the scene when requested. The named employee denies using any force on the complainant, and he and other officer witnesses states that the complainant purposely threw himself on the ground and went limp at the patrol car, causing him to hit the car. The complainant and a witness were not credible. Finding – UNFOUNDED.
The complainant alleged the named employee kicked him while he was handcuffed.	The complainant was arrested for a narcotics violation. The named employee was part of the arrest team and handcuffed the complainant. The named employee denied using force other than putting the complainant on the ground. Three witness officers similarly stated that the named employee did not kick the complainant. The complainant did not complain to the supervisor nor mention the alleged injury at the jail. Evidence indicated that the complainant suffered from a pre-existing rib injury. The complainant's statement and claim were inconsistent, self-serving, and not credible. Finding – UNFOUNDED.
Complainant alleged the named employees used massive force during her arrest, then drove roughly to the precinct, aggravating a pre-existing condition.	The named employees encountered a pregnant, crying female who related an assault by her boyfriend and interference by the boyfriend's mother to prevent her from calling 911. The officers contacted the subject, the boyfriend's mother, to investigate the DV complaint. The subject tried to leave; was told she wasn't free to go. The employees said they used no force to arrest her, but handcuffed her and took her to the precinct. The subject was not injured. The subject was not credible. Finding – EXONERATED.
The complainant alleged that an unknown employee used derogatory language and dragged her by the hair.	An SPD supervisor interviewed the complainant after the alleged incident. The complainant was extremely intoxicated and provided an inconsistent statement. Her description did not match that of any officer at the scene. The complainant did not cooperate with the OPA investigation. Finding – ADMINISTRATIVELY UNFOUNDED.
It was alleged the named employees used unnecessary	The evidence indicates that the complainant struggled with the two officers before he was handcuffed. A single

force in investigating a report of domestic disturbance.	application of a taser was employed, and one officer kneeled on his back to complete the process. The complainant was not injured during the encounter. A preponderance of evidence shows that the officers acted reasonably. Their use of force was screened, documented, and reported. Finding – EXONERATED.
It was alleged that the named employees used unnecessary force when they tackled the subject and tased him needlessly.	The evidence shows that the encounter occurred when officers were trying to get an intoxicated reveler at SEAFair into a cab. The situation escalated and became volatile. The officers present during the entire incident, and several who responded later all describe the subject as very strong, extremely intoxicated, and combative. The EMTs from SFD, the security officers at Harborview, and the subject's companion, state similarly. Two civilian witnesses stated they thought the force was excessive, but they did not witness the entire incident. The subject had no independent recollection of the incident, but admits kicking the officers. Finding – EXONERATED. OPA also recommended a training and operational review of the incident.
The complainant alleged that the named employee used excessive force when he was detained and later arrested.	The evidence indicates that officers were responding to a call from a citizen about a suspected car prowler. When officers responded, the citizen pointed to the complainant, and advised officers that the complainant had brandished a knife when the citizen had confronted him in a previous encounter. The officers attempted to contact the complainant but he began to walk away from them. The officers and witness state that the complainant did not respond to their orders to stop; the complainant similarly admits that he backed away from the officers. The officers used minimal control techniques to take the complainant to the ground to arrest him. The complainant did not report any injuries, and booking photos do not show any injuries. The force used was minimal, not subject to mandatory reporting, and was necessary to effect the arrest. Finding – EXONERATED.
Complainant alleged that the named employee used unnecessary force when he needlessly threw her to the ground during the warrant arrest of her husband. She also alleged that another named employee used profanity, and failed to safeguard her property.	<p>The named officers responded to a motel to do a warrant arrest at the request of another agency. When the complainant and her husband refused to exit, the officers used pepper spray to force them out. When the complainant finally exited hastily through the door, the named officer grabbed her arm and they both fell to the ground. Finding Unnecessary Force – EXONERATED.</p> <p>The profanity allegation was denied by named and witness employees, and his version of the exchange was more credible. Finding CUBO – UNFOUNDED.</p> <p>The complainant alleges she was wearing glasses when she exited the hotel room and these were never returned to her. In addition though hypodermic needles were properly disposed of per department policy, an empty bottle of insulin was thrown away. Finding Failure to Safeguard Property – SUPERVISORY INTERVENTION.</p>
Complainant alleged the named employee used excessive force by wrenching her arm high behind	The named employee was on duty conducting a premise check at a bar when he had this encounter with the complainant and her friend. The officer made a sarcastic

her, dragging her by her hair to a patrol car, and banging her head on the trunk of the patrol car.	<p>comment to the complainant and she struck him in the face with her fist. The officer arrested her for assault and had difficulty getting her to the patrol car due to her intoxication and her struggling. He used a hair hold to get her to the car, then called for assistance and had her placed in another patrol car. The complainant had no injuries. A witness supports the officer's version of events. Finding Unnecessary Force – EXONERATED.</p> <p>The complainant also alleged the named employee used profanity. The employee's commander had already admonished the employee for his sarcastic and unprofessional comment. The profanity could not be established by a preponderance of the evidence. Finding CUBO – NOT SUSTAINED.</p>
The complainant alleged that the named officer punched him in the stomach.	The named employee responded to a disturbance call at a group home claiming the complainant was refusing to follow house rules. Several witnesses and home care providers witnessed the interaction between the complainant and the officer and state that there was no use of force at all. The officers state that the complainant, who has decreased capacity and mental health issues, was easy to control, did not pose any problem, and required no use of force. Finding – UNFOUNDED.

**MISUSE OF AUTHORITY**

Synopsis	Action Taken
The complainant alleged that a subject was arrested without justification at a protest event. The complainant also alleged that he was pushed in the neck by an officer without warning.	<p>The evidence indicates that the named employee directed the subject to move and he refused. The named employee had probable cause, and therefore legal justification, for the arrest. The decision to arrest was lawful and within department policy. OPA did recommend supervisory review of the decision to arrest. Finding – EXONERATED.</p> <p>The evidence as to force indicates that a different named employee was one of the bicycle officers forming a fence with their bicycles to keep the crowd away. The named employee states he may have had incidental contact with the complainant's neck. Witnesses indicate that they did not see the employee use excessive force. Finding – EXONERATED.</p>

**CONDUCT UNBECOMING AN OFFICER**

Synopsis	Action Taken
It was alleged that the named employee, while off duty, yelled at personnel and a flagger at a construction site, then returned while on-duty and in uniform and was rude and intimidating.	The evidence is in conflict. The witness stated that the employee was intimidating and unprofessional; the named employee states that the exchange was polite and appropriate. OPA-IS could not locate any other witnesses to this encounter. Finding – NOT SUSTAINED.
The complainant alleged that the named employee, working in uniform off-duty, called her a name, told her to leave, and	The named employee was issuing a citation to a homeless person on the street. He stated that the complainant was interfering and he told her to step aside and wait. He denies calling the complainant a name, and stated that she did not

refused to identify himself.	ask him for his name and badge number. The statements conflict and there were no witnesses. There is not enough evidence to prove or disprove the allegation. Finding – NOT SUSTAINED.
It was alleged that an unknown employee was rude and used profanity while directing traffic at a sporting event.	The complaint was reported by a third party. Despite several attempts to contact her, the subject failed to cooperate. Finding – ADMINISTRATIVELY UNFOUNDED.
The named employee was off duty when he was involved in a fight disturbance at a local restaurant. After on-duty officers arrived, it was alleged that the named employee attempted to strike the subject while the subject was being patted down.	The evidence indicates that the named employee was off duty and in plainclothes when he got into a fight with the subject. It was not clear who started the fight and neither party was charged with a crime. However, while the subject was being patted down, the named employee did try to strike him, and he had to be restrained by on-duty officers. This was unprofessional and interfered with the officers' official duties. Finding – SUSTAINED.
The complainant alleged that the named employee used profanity and racial slurs to provoke her nephew into fighting with the police.	The named officer stopped the subject to investigate a man with a gun call. The complainant had no first-hand knowledge of the events, and the nephew did not respond to requests for contact. The complainant did not provide written statements she had promised. The OPA investigators did eventually make contact with the subject when they went looking for the aunt at her residence. The nephew gave a statement that did not mention that the officers used profanity or racial slurs. Finding – UNFOUNDED.
The complainant alleged that the named employee, while traveling on the freeway with emergency equipment activated, pulled alongside the complainant, made an obscene gesture and mouthed a profane comment.	The named officer denies flipping the complainant off or mouthing a profanity. He stated that he was frustrated by the complainant's failure to yield, and pointed/gestured emphatically to quickly communicate to direct the complainant's vehicle, which is a common practice. There were no independent witnesses to the event. There is not a preponderance of evidence to establish either version. Finding –NOT SUSTAINED.
Complainant alleged that the named employee engaged in inappropriate touching during a vice arrest.	An investigation was conducted. The named employee had previously provided a detailed account of the incident and his actions. His statement closely matched the complainant's allegations. The evidence did not support a finding of intentional misconduct. Rather, it highlighted the need for additional training and clarification of section protocols. Finding – SUPERVISORY INTERVENTION. OPA also issued a policy recommendation on review of employee participation in task forces.

**VIOLATION OF LAW**

Synopsis	Action Taken
It was alleged that unknown officer(s) pushed the subject to the ground more than once during a verbal exchange.	The complaint originated from a third party referral. The complainant's attorney refused to cooperate in the investigation, insisting that investigators not contact the complainant. The complainant's mother was present during the encounter with police and didn't hear or see any commotion. There is no indication that any force was used; officers state that they only asked the complainant to sit down at one point, which she did. Finding – ADMINISTRATIVELY UNFOUNDED.

It was alleged that unknown employees removed a light fixture from a facility in which the department leased space.	The issue of the missing property was not brought to the attention of the OPA until 2 ½ years after the property was reported missing. There had been no inventory of items prior to the lease, and many other groups and individuals had access to the building. The property may have been removed accidentally by another group or agency. In any event, there is no evidence to prove or disprove that an SPD employee was involved in any wrongdoing regarding the missing equipment. Finding – NOT SUSTAINED.
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### Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

### Referred for Supervisory Resolution.

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

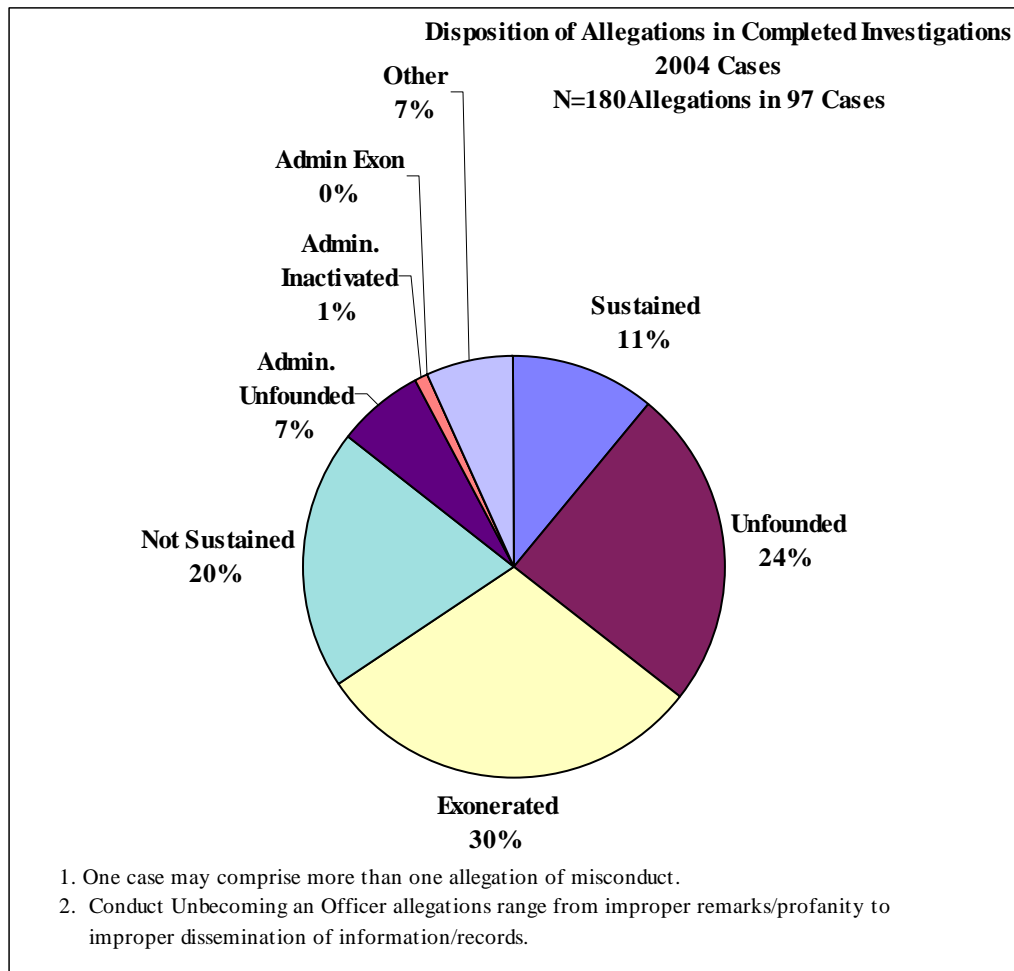
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date:

### 2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	19	97*
Commendations	41	702

\*includes 2004 cases closed in 2005



**2005 Contacts**

	<b>April 2005</b>	<b>Jan-Dec 2005</b>
Preliminary Investigation Reports	17	89
Cases Assigned for Supervisory Review	4	19
Cases Assigned for Investigation (IS;LI)	14	73
Commendations	20	140